

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 3:08-00221

JAMIE MICHAEL OVERSTREET

**MEMORANDUM OPINION AND ORDER**

Pending before the Court is Jamie Michael Overstreet's *pro se* Motion for Compassionate Release and a request for appointment of counsel (ECF No. 93), and the Government's Motion to Seal its Response and Exhibits. ECF No. 96. For reasons appearing before the Court, the Court **GRANTS** the Government's motion and, for the following reasons, **DENIES** Mr. Overstreet's motion.

In this motion, Mr. Overstreet argues that he is at high risk for COVID-19 because of morbid obesity. Although the United States agrees that Mr. Overstreet has Class 3 obesity, they also submitted his medical records showing he has no other significant health concerns and actually had tested positive for COVID-19 in May 2020, but he was completely asymptomatic and fully recovered. Thus, the records show that, despite Mr. Overstreet's obesity, he did not experience severe disease from contracting COVID-19. Additionally, Mr. Overstreet's risk of reinfection is decreased by the Bureau of Prisons recent vaccination efforts. According to the BOP

website, 1,670 of the inmates at Yazoo City, FCC<sup>1</sup> have been fully vaccinated and 349 of the staff members have been fully vaccinated. COVID-19 Vaccine Implementation, Federal Bureau of Prisons, <https://www.bop.gov/coronavirus/index.jsp> (last visited May 17, 2021). In light of these facts, the Court finds Mr. Overstreet has not established any “extraordinary and compelling reason” he is entitled to compassionate release for medical reasons. 18 U.S.C. § 3582(c)(1)(A)(i).

Mr. Overstreet further argues he should receive compassionate release because his mother, who has a disability, has become a ward of the State of West Virginia. Mr. Overstreet has provided no documentation in support of his claim, and he does not allege that his mother’s current care is inadequate. Thus, the Court finds he has not established any “extraordinary and compelling reason” for compassionate release based upon his mother’s circumstances.

Finally, Mr. Overstreet requests this Court appoint him counsel to pursue compassionate release. As there is no basis upon which to appoint legal counsel in this matter, the Court **DENIES** the request.

Accordingly, the Court **DENIES** Mr. Overstreet’s Motion for Compassionate Release and his request for appointment of counsel (ECF No. 93), and the Court **GRANTS** the Government’s Motion to Seal its Response and Exhibits. ECF No. 96.

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<sup>1</sup>Mr. Overstreet is incarcerated at Yazoo City USP.

The Court **DIRECTS** the Clerk to send a copy of this Order to the defendant and counsel, the United States Attorney, the United States Probation Office, and the United States Marshal.

ENTER: May 17, 2021

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS  
UNITED STATES DISTRICT JUDGE